

REMARKS

Claim 24 has been cancelled and thus claims 1-14, 16, 17, 19, 20, 22 and 23 are pending. Reconsideration in view of the following remarks is kindly requested.

Claim Rejections – 35 U.S.C. §103(a)

Claim 1, 2 and 4-8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miya in view of Iuchi (US 2003/0058972). Claim 1 has been amended to incorporate the recitations of cancelled claim 24. As the Examiner has noted with regard to cancelled claim 24, neither Miya nor Iuchi discloses all of the elements of claim 24. The Examiner has, however, alleged that Scott (U.S. Patent No. 6,141,373) discloses all of said elements. This rejection is respectfully traversed.

Claim 1 recites, among other things, that as the number of antenna beams for a given angle of arrival of the received uplink signal increase, the threshold value increases. Scott, however, discloses a variable threshold value that is adjusted based on the received average sidelobe energy (see Column 42, lines 15-38). Thus, Scott's threshold value varies "according to average background noise and interference level." (Column 42, Lines 32-34) The threshold value of Scott, therefore, increases as the noise and interference increases and not as a function of the number of antenna beams for a given angle of arrival as recited by claim 1.

Additionally, claim 1 recites the threshold value increases so as to maintain a probability of false alarm over all antenna beams to a desired value. While Scott's variable threshold value increases in order to prevent false alarms, Scott does not disclose that increasing the threshold value maintains the probability of a false alarm to a *desired value*. There is no disclosure of the probability of a false alarm at various threshold value levels or any alleged correlation between the probability of a false alarm at different threshold levels.

For at least these reasons, Applicants submit that none of Miya, Iuchi and Scott, whether alone or in combination, contains all of the elements of independent claim 1. The Examiner is, therefore, requested to reconsider and withdraw the rejection of independent claim 1 and claims 2 and 4-8 which depend therefrom.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miya in view of Iochi as applied to claim 1, and in further view of Branland et al. This rejection is respectfully traversed.

Claim 3 depends from claim 1. Branland fails to overcome the deficiencies of Miya, Iochi and Scott discussed above. Accordingly claim 3 is allowable for at least the reasons set forth above. Withdrawal of the rejection is kindly requested.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miya in view of Pederson et al. (US 2004/0218569) and further in view of Iochi. This rejection is respectfully traversed.

The Examiner correctly states that neither Miya nor Iochi discloses the random access channel preamble indicative of the best cell portion for communicating with the user as recited in claim 9. However, contrary to the Examiner's assertions, Pederson also fails to disclose this element of claim 9.

While Pederson teaches a benefit of determining a best cell portion, Pederson fails to teach the random access channel preamble indicative of the best cell portion. Pederson instead discloses that determining the best cell portion can be accomplished by "introducing a new procedure during random access e.g. before deciding admission" (paragraph [0026]). Pederson further gives examples of accomplishing this "new procedure" by asking the node to perform a best cell portion measurement or adding a cell portion index to each message from the node. However, nowhere does Pederson teach the random access channel preamble indicative of the best cell portion.

For at least this reason, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 9.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miya in view of Iochi as applied to claim 1, and in further view of Scott (U.S. Patent No. 6,141,373). As claim 24 has been cancelled, this rejection is now moot.

Allowable Subject Matter

Applicants note with appreciation, that claims 10-14, 16, 17, 19 and 20 have been indicated as allowable.

The Examiner has objected to claims 22 and 23 as being dependent upon rejected base claims, but has indicated that it would be allowable if rewritten in independent form. For the reasons discussed above, Applicants believe the rejected base claims to be in condition for allowance and respectfully submit that claims 22 and 23 are allowable in their present dependent form.

CONCLUSION

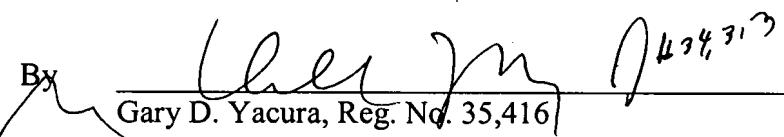
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-14, 16, 17, 19, 20 and 22-24 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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